

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

LORNE MURPHY,
Charging Party

HRB CASE NO. 0121015683

-v-

FINAL AGENCY DECISION

MONTANA OFFICE OF THE STATE
PUBLIC DEFENDER,
Respondent

Charging Party, Lorne Murphy (Murphy), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in government services on the basis of disability and/or perceived disability, religion, and sex. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Murphy's allegations that Respondent, Montana Office of the State Public Defender, discriminated against Murphy. The Department issued a Notice of Dismissal. Murphy filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on June 14, 2013. No oral argument was requested for this hearing.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. In this case, the Commission finds the record demonstrates that the Montana Office of the Public Defender went to extraordinary effort to accommodate Murphy's demands for new legal counsel by appointing five separate attorneys in sequence to represent Murphy over the course of nine months. Contrary to Murphy's assertions, the evidence shows that public defenders assigned to Murphy's case demonstrated compassion and respect, with no evidence of any alleged harassment. Regarding Murphy's retaliation claim, the Commission concurs with the investigator that Murphy failed to establish that she was subjected to any adverse treatment by the Office of the Public Defender. After

careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA.*

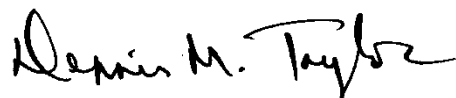
If a charging party fails to commence a civil action within 90 days, their claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA.* This review must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record.

Section 2-4-702(2), MCA.

IT IS HEREBY ORDERED, that Lorne Murphy's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Montana Office of the State Public Defender.

DATED this 14th day of June, 2013.

A handwritten signature in black ink, reading "Dennis M. Taylor". The signature is written in a cursive, flowing style.

Dennis M. Taylor, Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 17th day of June, 2013.

LORNE MURPHY
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BOZEMAN, MT 59718

BILL HOOKS
MONTANA OFFICE OF THE
STATE PUBLIC DEFENDER
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Annah Smith, Legal Secretary
Montana Human Rights Bureau